

Montgomery County Circuit Court Research Bulletin

FY2012 Case Processing Performance - Civil

Case Processing Performance - Overview

Table A.1 displays the number of original civil case terminations, as well as case processing performance by termination status for Fiscal Years 2004-2012 (FY04-FY12). The Maryland Judiciary has excluded foreclosures from its reporting of civil case processing performance for FY11 and FY12. As displayed in Table A.1, when excluding foreclosures, 98% of civil cases closed within the 548-day time standard (N = 4,423) in FY12, thus meeting the civil case processing goal. This is the second and consecutive year in which the court met the statewide performance goal for civil terminations. The average case time (ACT) for non-foreclosure civil terminations is 158 days. Among within-standard non-foreclosure civil terminations, the ACT is 149 days whereas among over-standard non-foreclosure civil terminations, the ACT is 711 days.

Table A.1 Number of Civil Case Terminations FY04-FY12

Fiscal Year	Terminations		Within-Standard Terminations			Over-Standard Terminations		
	N	ACT*	N	% of Total	ACT*	N	% of Total	ACT*
FY04	3,415	198	3,271	96%	173	144	4%	774
FY05	6,022	206	5,742	95%	173	280	5%	898
FY06	5,545	209	5,283	95%	174	262	5%	915
FY07	6,320	222	5,936	94%	173	384	6%	978
FY08**	509**	213	485	95%	176	24	5%	952
FY09	7,746	226	7,425	96%	205	321	4%	716
FY10	10,079	241	9,670	96%	222	409	4%	699
FY11†	5,054	162	4,963	98%	150	91	2%	780
FY12†	4,492	158	4,423	98%	149	69	2%	711

Maryland civil case time standard and goal: 584 days (18 months) and 98% within-standard terminations

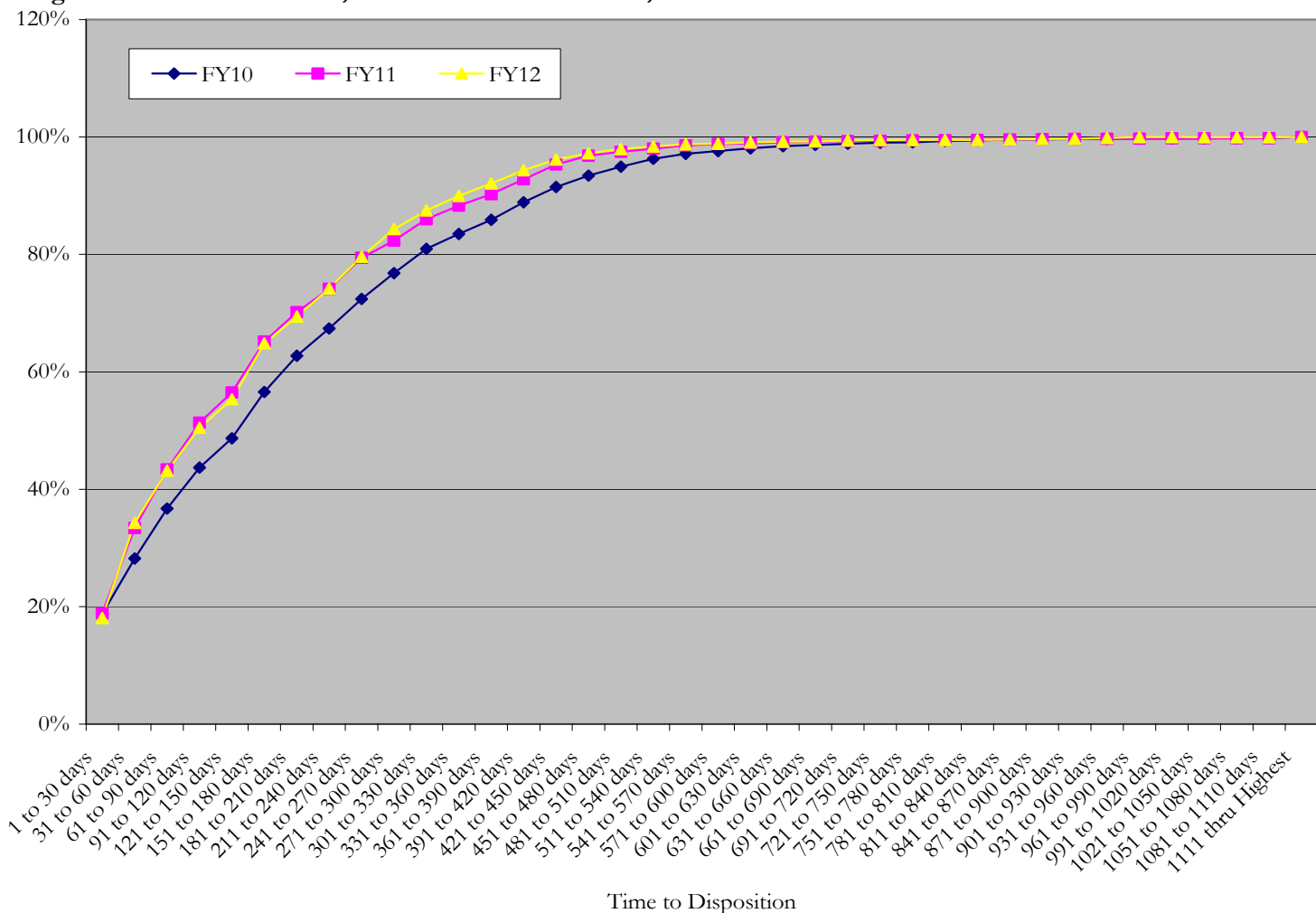
* ACT = Average Case Time, in days.

** The full civil caseload for FY08 is 7,243. The 509 cases for which performance data is provided represent a random sampling of the total civil terminations for FY08.

† The FY11/FY12 case processing performance reflected excludes foreclosures.

A review of civil case processing performance including foreclosures was performed given their representation among civil terminations over the past few years. However, the representation of foreclosure cases among all civil terminations reduced from slightly over 50% in FY11 to 30% in FY12. The court's civil case processing performance held steady at approximately 96% over the past few fiscal years despite increases in foreclosure filings and legislation requirements to ensure the integrity of the legal documents filed by lenders. However, beginning in FY11 performance started to decline, and the decline continued in FY12, reaching 94%. The reason the overall civil performance remained unchanged at 94% between FY11 and FY12 is because while foreclosure case processing performance reduced from 91% to 83%, the representation of this civil sub-type also declined to approximately 30% of all FY12 civil terminations, which minimizes their impact on overall civil performance.

Figure A.1 Non-Foreclosure, Civil Termination Profiles, FY10 – FY12



Civil Termination Profile

Figure A.1 displays a termination profile for non-foreclosure cases terminated in FY10, FY11, and FY12. Ideally, the termination profile for a particular fiscal year would have a high arch early in the case processing stages, reaching a termination level of 100% by or before the civil time standard of 548 days. The FY11 and FY12 profiles on the figure follow a similar trend with a few slight variations. For instance, the FY12 termination profile has a slightly larger percent of cases closing within the 271st to 420th day time frame compared to the FY11 termination profile. The court's improved case processing performance in FY11 and FY12 is evident when their termination profiles are compared with the FY10 profile. The FY10 profile falls below the FY11 and FY12 profiles, indicating that at any give time, a lower percent of cases were terminated in FY10 compared to FY11 or FY12. For instance, 98% of non-foreclosure cases closed by the 540th day in FY11 and FY12 whereas in FY10 98% of non-foreclosure civil cases closed by the 630th day. The performance improvements obtained among FY11 and FY12 non-foreclosure terminations are likely due in part to changes in procedures that were implemented in July 2010 as part of the revised civil Differentiated Case Management (DCM) plan.

Differentiated Case Management (DCM) Track Analysis

According to the court's civil DCM plan, which was revised in FY10 and implemented at the beginning of FY11, there are eight tracks for civil cases. With the exclusion of foreclosures, Track N cases represent only 18% of the FY12 civil terminations. The cases assigned to Tracks 0, 2, and 3 represent 78% of the civil terminations. Track 4 cases represent 3% of the FY12 civil terminations. Similar to previous years, cases assigned to Tracks 5, 6, and 8 constitute no more than 1% of civil terminations.

Differentiated Case Management (DCM) Track Analysis, Continued

In FY12, similar to FY11, civil cases assigned to Tracks N, 0, and 2 exceeded the statewide performance goal of closing 98% of cases within 548 days. Cases assigned to Tracks 5 and 8 also met the standard though the number of cases assigned to these tracks that terminated in FY12 is small. Cases assigned to Track 3 almost met the state compliance standard by closing 97% of these tracked cases within the time standard. A greater percentage of civil cases assigned to Track 4 closed within-standard in FY12 (92%) compared to FY11 (78%) and FY10 (67%). Revisions made to the court's civil DCM plan that were implemented at the beginning of FY11 were anticipated to improve the processing of civil cases assigned to Tracks 2, 3, and 4. Among FY12 non-foreclosure civil terminations, 95% were filed after the implementation of the revised civil DCM plan and among those 99.6% closed within the 548-day time standard. Among the remaining non-foreclosure civil FY12 terminations that were filed under the original civil DCM plan (5%, n = 220), 75% closed within the 548-day time standard. This additional information suggests improvements in civil processing performance among those cases filed after implementation of the revised civil DCM plan. Subsequent analyses will be performed on the original civil pending caseload, which will further inform the impact of the revised DCM plan on processing performance.

Trial Postponement Analysis

Among non-foreclosure civil terminations, 164 cases (4%) had trial postponements, which is consistent with the results obtained among FY11 terminations. Of the cases with trial postponements, 85% closed within-standard (compared to 88% in FY11 and 77% in FY10). The sustained improvement in the performance of cases with trial postponements is likely due in part to the setting of trial dates well within the DCM guidelines instead of just short of the 548-day standard. Among FY12 civil cases with trial postponements, 82% have only one (FY11: 91%; FY10: 86%; FY09: 87%), 15% have two (FY11: 8%; FY10: 11%; FY09: 11%), and 2% have three (FY11: 0%), and only 1% have four postponements (FY11: 1%; FY10: 3%; FY09: 3%). The most frequently cited trial postponement reasons among non-foreclosure civil terminations as well as for over-standard non-foreclosure civil terminations include: "Calendar Conflicts – Party Needs To Get Affairs in Order" (25% all postponements; 17% postponements in over-standard cases); "Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare" (21% all postponements, 25% postponements in over-standard cases); and "Illness, Medical Emergency Or Death" (16% all postponements; 25% postponements in over-standard cases).

Future Analyses and Next Steps

- ◆ Continue to work with the court's DCM Coordinator and other court personnel to identify analyses that will provide insights on the impact of several procedural changes implemented in July 2010 as part of the revised civil DCM plan on case processing performance. While preliminary analyses of the revised DCM plan have been performed, additional analyses are necessary given that more of the cases filed after the implementation of the revised DCM plan have now been closed.
- ◆ Examine the length of time to reach key court events (such as the scheduling hearing, pre-trial, trial, and judgment) as defined by the DCM guidelines and case processing performance. These analyses may assist the court in identifying a group of cases where timely resolution may be at risk. Any early indication that processing efficiency is beginning to falter will serve as a preemptive warning for court personnel that efforts need to be undertaken to reverse a potentially declining trend.
- ◆ The court has discussed the importance of analyzing civil performance against newly developed model time standards for state trial courts. These time standards provide an overall standard as well as several intermediate time standards by which a court can examine its performance. Prior to measuring the court's performance against these time standards, the technical requirements need to be defined in order to accurately capture the data used to inform these time standards. The court is currently working to develop these technical requirements.